



House of Representatives

General Assembly

File No. 32

January Session, 2001

Substitute House Bill No. 5416

House of Representatives, March 9, 2001

The Committee on Labor and Public Employees reported through REP. DONOVAN of the 84th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT EXPANDING THE DEFINITION OF PERSONAL INJURY UNDER THE WORKERS' COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subdivision (16) of section 31-275 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (16) (A) "Personal injury" or "injury" includes, in addition to
4 accidental injury which may be definitely located as to the time when
5 and the place where the accident occurred, an injury to an employee
6 [which] that is causally connected with [his] the employee's
7 employment and is the direct result of repetitive trauma or repetitive
8 acts incident to such employment, and occupational disease.

9 (B) "Personal injury" or "injury" shall not be construed to include:

10 (i) An injury to an employee [which] that results from [his] the
11 employee's voluntary participation in any activity the major purpose

12 of which is social or recreational, including, but not limited to, athletic
13 events, parties and picnics, whether or not the employer pays some or
14 all of the cost of such activity;

15 (ii) A mental or emotional impairment, unless such impairment
16 arises from a physical injury or occupational disease or, in the case of a
17 police officer, unless such impairment arises from such police officer's
18 use of deadly force or subjection to deadly force in the line of duty,
19 regardless of whether such police officer is physically injured,
20 provided such police officer (I) is the subject of an attempt by another
21 person to cause such police officer serious physical injury or death
22 through the use of deadly force, and (II) reasonably believes such
23 police officer to be the subject of such an attempt. As used in this
24 clause, "police officer" means a member of the Division of State Police
25 within the Department of Public Safety or an organized local police
26 department, a chief inspector or inspector in the Division of Criminal
27 Justice, a conservation officer or special conservation officer, as defined
28 in section 26-5, an appointed constable who performs criminal law
29 enforcement duties, a special police officer appointed under section 29-
30 18, 29-18a or 29-19, an adult probation officer appointed under section
31 54-104, an employee of the Department of Correction, a member of the
32 Office of State Capitol Police and a member of a special police force
33 established under section 10a-55 or a person providing security
34 services for a public institution of higher education; and "in the line of
35 duty" means any action that a police officer is obligated or authorized
36 by law, rule, regulation or written condition of employment service to
37 perform, or for which the police officer is compensated by the public
38 entity such officer serves;

39 (iii) A mental or emotional impairment [which] that results from a
40 personnel action, including, but not limited to, a transfer, promotion,
41 demotion or termination; or

42 (iv) Notwithstanding the provisions of clause (i) of this

43 subparagraph, "personal injury" or "injury" includes injuries to
44 employees of local or regional boards of education resulting from
45 participation in a school-sponsored activity but does not include any
46 injury incurred while going to or from such activity. As used in this
47 clause, "school-sponsored activity" means any activity sponsored,
48 recognized or authorized by a board of education and includes
49 activities conducted on or off school property and "participation"
50 means acting as a chaperone, advisor, supervisor or instructor at the
51 request of an administrator with supervisory authority over the
52 employee.

LAB **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Significant Cost (General Fund) and Minimal Cost (Workers' Compensation Administration Fund)

Affected Agencies: Department of Correction, Department of Public Safety, Workers' Compensation Commission, and Various State Agencies

Municipal Impact: Potential Significant Cost: STATE MANDATE

Explanation**State and Municipal Impact:**

The passage of this bill would result in additional costs to the state General Fund that could be significant, and could also result in minimal additional costs to the Workers' Compensation Commission (Workers' Compensation Administration Fund). It would also result in additional costs to municipalities that could be significant, and is a State Mandate on municipalities.

The bill allows State Police officers, municipal police officers, appointed constables who perform law enforcement duties, all employees of the Department of Correction, the State Capitol Police, and other specified law enforcement officers of various state agencies to be eligible for workers' compensation benefits for mental or emotional injuries resulting from the officer's use of, or subjection to,

deadly force in the course of employment, regardless of whether such person is physically injured. To be eligible the person must (1) be the subject of an attempt to cause serious physical injury or death through the use of deadly force and (2) reasonably believes that such person is the subject of such an attempt.

There are a significant number of law enforcement officers assaulted and injured every year. According to the Connecticut Uniform Crime Reports, over the last five years, an average of 714 State and municipal police officers were assaulted, with 374 officers reporting injuries. On average, dangerous weapons were used in 106 of the assaults. Figures are not available for the number of assaults on local constables, Department of Correction employees, and other state law enforcement officers. There are approximately 6,700 municipal police officers, 1,100 State Police Officers, 6,650 employees in the Department of Correction, several hundred other state law enforcement officers, and several hundred appointed constables who perform law enforcement duties.

CALENDAR YEAR	NUMBER ASSAULTED	NUMBER INJURED	WEAPON USED
1999	648	352	84
1998	732	372	124
1997	805	350	121
1996	728	391	88
1995	657	403	111
AVERAGE	714	374	106

The number of cases of emotional impairment as a result of these

assaults is not known, but many claims could be filed. The number of successful claims cannot be determined at this time. As police officer mental stress claims are filed and standards for compensation are developed, the benefit decisions made by the state and municipalities as employers, by workers' compensation insurers and by the Workers' Compensation Commission (WCC) will be a major factor in determining the costs. The costs of just one emotional stress case could be significant to the state, and to municipalities that are self-insured, because these costs would be reflected directly in their experience.

It is also anticipated that there will be an increase in the number of cases brought before the WCC and the Compensation Review Board. They are anticipated to be able to handle the additional caseload within existing appropriations. However, the additional number of appeals would add to the costs to the state and municipalities as employers as they participate in the appeals process.

It should be noted that a similar benefit was available to police officers prior to 1993. There were few claims for such emotional or mental impairment at that time.

OLR Bill Analysis

sHB 5416

***AN ACT EXPANDING THE DEFINITION OF PERSONAL INJURY
UNDER THE WORKERS' COMPENSATION ACT.*****SUMMARY:**

This bill makes a police officer who incurs only mental or emotional injuries because he used or was subjected to deadly force in the line of duty eligible for workers' compensation benefits. The bill allows benefits only if the police officer (1) is the subject of an attempt by another person to cause him serious physical injury or death through the use of deadly force and (2) reasonably believes that he is the subject of such an attempt. Under current law, mental and emotional injuries are compensable only if they arise from a physical injury or occupational disease.

The bill defines "in the line of duty" as any action that a police officer is obligated or authorized to perform by law, rule, regulation, or written condition of employment, or for which the officer is compensated by his public employer.

It defines "police officer" as a (1) state or local police officer (2) chief inspector or inspector in the Division of Criminal Justice, (3) conservation or special conservation officer, (4) appointed constable who performs criminal law enforcement duties, (5) special appointed policeman, (6) appointed adult probation officer, (7) Department of Correction employee, (8) state Capitol Police officer, or (9) member of a special police force established by an institution of higher education or person providing security services for a public institution of higher education.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 12 Nay 1